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SCHEDULES

SCHEDULE 9

Section 412.

PROVISIONS CAPABLE OF INCLUSION IN INDIVIDUAL INSOLVENCY RULES

Courts

- 1 Provision with respect to the arrangement and disposition of the business under [F1Parts 7A to 11] of this Act of courts having jurisdiction for the purpose of those Parts, including provision for the allocation of proceedings under those Parts to particular courts and for the transfer of such proceedings from one court to another.

Textual Amendments

- F1** Words in Sch. 9 para. 1 substituted (24.2.2009 for certain purposes otherwise 6.4.2009) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\), ss. 108\(3\), 148\(5\), Sch. 20 para. 14\(2\)](#); S.I. 2009/382, [art. 2](#)

- 2 Provision for enabling a registrar in bankruptcy of the High Court ^{F2}... to exercise such of the jurisdiction conferred for those purposes on the High Court ^{F3}... as may be prescribed.

Textual Amendments

- F2** Words in Sch. 9 para. 2 omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 9 para. 93\(1\)\(i\)](#); S.I. 2014/954, [art. 2\(c\)](#) (with [art. 3](#)) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F3** Words in Sch. 9 para. 2 omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 9 para. 93\(1\)\(ii\)](#); S.I. 2014/954, [art. 2\(c\)](#) (with [art. 3](#)) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

- 3 Provision for regulating the practice and procedure of any court exercising jurisdiction for the purposes of those Parts, being any provision that could be made by rules of court.
- 4 Provision conferring rights of audience, in courts exercising jurisdiction for the purposes of those Parts, on the official receiver and on solicitors.

[F4Adjudicators

Textual Amendments

- F4** Sch. 9 paras. 4A, 4B and cross-heading inserted (E.W.) (25.4.2013 for specified purposes) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\), s. 103\(1\)\(i\)\(3\), Sch. 19 para. 65\(2\)](#)

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- 4A Provision for regulating the practice and procedure of adjudicators in the discharge of functions for the purposes of Part 9 of this Act.
- 4B Provision about the form and content of a bankruptcy application (including an application for a review of an adjudicator's determination).]

[^{F5} Appeals against determinations by adjudicators

Textual Amendments

- F5** Sch. 9 para. 4C and cross-heading inserted (E.W.) (25.4.2013 for specified purposes) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\), s. 103\(1\)\(i\)\(3\)](#), [Sch. 19 para. 65\(3\)](#)

- 4C Provision about the making and determining of appeals to the court against a determination by an adjudicator, including provision—
- (a) enabling the court to make a bankruptcy order on such an appeal, and
 - (b) about where such appeals lie.]

Notices, etc.

- 5 Provision requiring notice of any proceedings under [^{F6}Parts 7A to 11] of this Act or of any matter relating to or arising out of a proposal under Part VIII or a bankruptcy to be given or published in the prescribed manner.

Textual Amendments

- F6** Words in Sch. 9 para. 5 substituted (24.2.2009 for certain purposes otherwise 6.4.2009) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\), ss. 108\(3\), 148\(5\)](#), [Sch. 20 para. 14\(3\)](#); S.I. 2009/382, [art. 2](#)

- 6 Provision with respect to the form, manner of serving, contents and proof of any petition, application, order, notice, statement or other document required to be presented, made, given, published or prepared under any enactment contained in [^{F7}Parts 7A to 11] or subordinate legislation under those Parts or Part XV (including provision requiring prescribed matters to be verified by affidavit).

Textual Amendments

- F7** Words in Sch. 9 para. 6 substituted (24.2.2009 for certain purposes otherwise 6.4.2009) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\), ss. 108\(3\), 148\(5\)](#), [Sch. 20 para. 14\(4\)](#); S.I. 2009/382, [art. 2](#)

- 7 Provision specifying the persons to whom any notice under Parts VIII to XI is to be given.

- [^{F8}7A Provision for enabling a creditor of an individual to elect to be, or to cease to be, an opted-out creditor in relation to an office-holder for the individual (within the meaning of section 383A), including, in particular, provision—
- (a) for requiring an office-holder to provide information to creditors about how they may elect to be, or cease to be, opted-out creditors;
 - (b) for deeming an election to be, or cease to be, an opted-out creditor in relation to a particular office-holder for an individual to be such an election also in relation to any other office-holder for the individual.]

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Textual Amendments

- F8** Sch. 9 para. 7A inserted (26.5.2015 for specified purposes) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), [ss. 125\(5\)](#), 164(1); S.I. 2015/1329, reg. 3(d)

[^{F9}Debt relief orders

Textual Amendments

- F9** Sch. 9 paras. 7A-7E and cross-headings inserted (24.2.2009 for certain purposes otherwise 6.4.2009) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), [ss. 108\(3\)](#), 148(5), [Sch. 20 para. 14\(5\)](#); S.I. 2009/382, [art. 2](#)

- 7A Provision as to the manner in which the official receiver is to carry out his functions under Part 7A.
- 7B Provision as to the manner in which any requirement that may be imposed by the official receiver on a person under Part 7A is to take effect.
- 7C Provision modifying the application of Part 7A in relation to an individual who has died at a time when a moratorium period under a debt relief order applies in relation to him.

Debt relief restrictions orders and undertakings

- 7D Provision about debt relief restrictions orders, interim orders and undertakings, including provision about evidence.

Register of debt relief orders and debt relief restrictions orders etc

- 7E Provision about the register required to be maintained by section 251W and the information to be contained in it, including provision—
- (a) enabling the amalgamation of the register with another register;
 - (b) enabling inspection of the register by the public.]

Registration of voluntary arrangements

- 8 Provision for the registration of voluntary arrangements approved under Part VIII of this Act, including provision for the keeping and inspection of a register.

Official receiver acting on voluntary arrangement

- [^{F10}8A Provision about the official receiver acting as nominee or supervisor in relation to a voluntary arrangement under Part VIII of this Act, including—
- (a) provision requiring the official receiver to act in specified circumstances;
 - (b) provision about remuneration;
 - (c) provision prescribing terms or conditions to be treated as forming part of a voluntary arrangement in relation to which the official receiver acts as nominee or supervisor;

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- (d) provision enabling those terms or conditions to be varied or excluded, in specified circumstances or subject to specified conditions, by express provision in an arrangement.]

Textual Amendments

F10 Sch. 9 para. 8A inserted (1.4.2004) by 2002 c. 40, ss. 269, 279, Sch. 23 para. 16(2) (with s. 249(6)); S.I. 2003/2093, art. 2(2), Sch. 2 (subject to arts. 3-8 (as amended by S.I. 2003/2332, art. 2))

Interim receiver

- 9 Provision as to the manner in which an interim receiver appointed under section 286 is to carry out his functions, including any such provision as is specified in relation to the trustee of a bankrupt's estate in paragraph 21 or 27 below.

Receiver or manager

- 10 Provision as to the manner in which the official receiver is to carry out his functions as receiver or manager of a bankrupt's estate under section 287, including any such provision as is specified in relation to the trustee of a bankrupt's estate in paragraph 21 or 27 below.

Administration of individual insolvency

- 11 Provision with respect to the certification of the appointment of any person as trustee of a bankrupt's estate and as to the proof of that appointment.

- [^{F11}11A(1) Provision about the making of decisions by creditors, including provision—
- (a) prescribing particular procedures by which creditors may make decisions;
 - (b) authorising the use of other procedures for creditors to make decisions, if those procedures comply with prescribed requirements.
- (2) Provision under sub-paragraph (1) may in particular include provision about—
- (a) how creditors may request that a creditors' meeting be held,
 - (b) the rights of creditors and others to be given notice of, and participate in, procedures,
 - (c) creditors' rights to vote in procedures,
 - (d) the period within which any right to participate or vote is to be exercised,
 - (e) the proportion of creditors that must vote for a proposal for it to be approved,
 - (f) how the value of any debt should be determined,
 - (g) the time at which decisions taken by a procedure are to be treated as having been made.]

Textual Amendments

F11 Sch. 9 para. 11A inserted (26.5.2015 for specified purposes) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), ss. 123(3), 164(1); S.I. 2015/1329, reg. 3(d)

- 12 The following provision with respect to meetings of creditors—
- (a) provision as to the manner of summoning a meeting (including provision as to how any power to require a meeting is to be exercised, provision as

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to the manner of determining the value of any debt for the purposes of any such power and provision making the exercise of any such power subject to the deposit of a sum sufficient to cover the expenses likely to be incurred in summoning and holding a meeting);

- (b) provision specifying the time and place at which a meeting may be held and the period of notice required for a meeting;
- (c) provision as to the procedure to be followed at such a meeting (including the manner in which decisions may be reached by a meeting and the manner in which the value of any vote at a meeting is to be determined);
- (d) provision for requiring a bankrupt or debtor to attend a meeting;
- (e) provision creating, in the prescribed circumstances, a presumption that a meeting has been duly summoned and held; and
- (f) provision as to the manner of proving the decisions of a meeting.

[^{F12}12A Provision about how a bankrupt's creditors may appoint a person as trustee.]

Textual Amendments

F12 Sch. 9 para. 12A inserted (26.5.2015 for specified purposes) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\), s. 164\(1\), Sch. 9 para. 86](#); S.I. 2015/1329, reg. 3(d)

13 Provision as to the [^{F13}establishment,] functions, membership and proceedings of a creditors' committee [^{F14}established under][^{F14}provided for by] section 301.

Textual Amendments

F13 Word in Sch. 9 para. 13 inserted (26.5.2015 for specified purposes, 6.4.2017 for E.W. in so far as not already in force) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\), s. 164\(1\), Sch. 9 para. 87\(a\)](#); S.I. 2015/1329, reg. 3(d); S.I. 2016/1020, reg. 4(e) (with reg. 5) (as amended by S.I. 2017/363, reg. 3)

F14 Words in Sch. 9 para. 13 substituted (26.5.2015 for specified purposes, 6.4.2017 for E.W. in so far as not already in force) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\), s. 164\(1\), Sch. 9 para. 87\(b\)](#); S.I. 2015/1329, reg. 3(d); S.I. 2016/1020, reg. 4(e) (with reg. 5) (as amended by S.I. 2017/363, reg. 3)

14 Provision as to the manner in which any requirement that may be imposed on a person under Parts VIII to XI of this Act by the official receiver, the trustee of a bankrupt's estate or a special manager appointed under section 370 is to be so imposed and, in the case of any requirement imposed under section 305(3) (information etc. to be given by the trustee to the official receiver), provision conferring power on the court to make orders for the purpose of securing compliance with that requirement.

15 Provision as to the manner in which any requirement imposed by virtue of section 310(3) (compliance with income payments order) is to take effect.

16 Provision as to the terms and conditions that may be included in a charge under section 313 (dwelling house forming part of bankrupt's estate).

17 Provision as to the debts that may be proved in any bankruptcy, as to the manner and conditions of proving a debt and as to the manner and expenses of establishing the value of any debt or security.

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- 18 Provision with respect to the manner of the distribution of a bankrupt's estate, including provision with respect to unclaimed funds and dividends.
- [^{F15}18A Provision for a creditor who has not proved a small debt to be treated as having done so for purposes relating to the distribution of a bankrupt's estate (and for provisions of, or contained in legislation made under, this Act to apply accordingly).]

Textual Amendments

- F15** Sch. 9 para. 18A inserted (26.5.2015) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), [ss. 132, 164\(3\)\(i\)\(iii\)](#)

- 19 Provision modifying the application of Parts VIII to XI of this Act in relation to a debtor or bankrupt who has died.

Financial provisions

- 20 Provision as to the amount, or manner of determining the amount, payable to an interim receiver, the trustee of a bankrupt's estate or a special manager appointed under section 370 by way of remuneration for the performance of functions in connection with or arising out of the bankruptcy of any person.
- 21 Provision with respect to the manner in which moneys received by the trustee of a bankrupt's estate in the course of carrying out his functions as such are to be [^{F16}invested or otherwise handled and with respect to the payment of interest on sums which, in pursuance of rules made by virtue of this paragraph, have been paid into the Insolvency Services Account].

Textual Amendments

- F16** Words in Sch. 9 para. 21 substituted (2.4.2001) by [2000 c. 39, s. 13\(1\)](#); [S.I. 2001/766, art. 2\(b\)](#) (subject to transitional provisions in [art. 3](#))

- [^{F17}21A Provision enabling the Secretary of State to set the rate of interest paid on sums which have been paid into the Insolvency Services Account.]

Textual Amendments

- F17** Sch. 9 para. 21A inserted (18.12.2003) by [2002 c. 40, ss. 271\(2\), 279](#) (with [s. 249\(6\)](#)); [S.I. 2003/3340, art. 3](#)

- 22 Provision as to the fees, costs, charges and other expenses that may be treated as the expenses of a bankruptcy.
- 23 Provision as to the fees, costs, charges and other expenses that may be incurred for any of the purposes of Part VIII of this Act or in the administration of any voluntary arrangement approved under that Part.

Information and records

- 24 Provision requiring registrars and other officers of courts having jurisdiction for the purposes of Parts VIII to XI—

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- (a) to keep books and other records with respect to the exercise of that jurisdiction and of jurisdiction under the ^{M1}Deeds of Arrangement Act 1914, and
- (b) to make returns to the Secretary of State of the business of those courts.

Marginal Citations

M1 1914 c. 47.

- [^{F18}24A Provision requiring adjudicators—
- (a) to keep files and other records relating to bankruptcy applications and bankruptcies resulting from bankruptcy applications,
 - (b) to make files and records available for inspection by persons of a prescribed description, and
 - (c) to provide files and records, or copies of them, to persons of a prescribed description.

Textual Amendments

F18 Sch. 9 paras. 24A-24D inserted (E.W) (25.4.2013 for specified purposes, 6.4.2016 in so far as not already in force) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(1)(i)(3), **Sch. 19 para. 65(4)**; [S.I. 2016/191](#), art. 2 (with art. 3)

- 24B Provision requiring an adjudicator to make returns to the Secretary of State of the adjudicator's business under Part 9 of this Act.

Textual Amendments

F18 Sch. 9 paras. 24A-24D inserted (E.W) (25.4.2013 for specified purposes, 6.4.2016 in so far as not already in force) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(1)(i)(3), **Sch. 19 para. 65(4)**; [S.I. 2016/191](#), art. 2 (with art. 3)

- 24C Provision requiring official receivers—
- (a) to keep files and other records relating to bankruptcy applications and bankruptcies resulting from bankruptcy applications, and
 - (b) to make files and records available for inspection by persons of a prescribed description.

Textual Amendments

F18 Sch. 9 paras. 24A-24D inserted (E.W) (25.4.2013 for specified purposes, 6.4.2016 in so far as not already in force) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(1)(i)(3), **Sch. 19 para. 65(4)**; [S.I. 2016/191](#), art. 2 (with art. 3)

- 24D Provision requiring a person to whom notice is given under section 293(2), 295(3), 298(7) or (8) or section 299(1)(a) or (3)(a)—
- (a) to keep files and other records of notices given under the section in question, and
 - (b) to make files and records available for inspection by persons of a prescribed description.]

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Textual Amendments

F18 Sch. 9 paras. 24A-24D inserted (E.W) (25.4.2013 for specified purposes, 6.4.2016 in so far as not already in force) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\), s. 103\(1\)\(i\)\(3\)](#), [Sch. 19 para. 65\(4\)](#); [S.I. 2016/191, art. 2](#) (with [art. 3](#))

- 25 Provision requiring a creditor or a committee established under section 301 to be supplied (on payment in prescribed cases of the prescribed fee) with such information and with copies of such documents as may be prescribed.
- 26 Provision as to the manner in which public examinations under section 290 and proceedings under sections 366 to 368 are to be conducted, as to the circumstances in which records of such examinations and proceedings are to be made available to prescribed persons and as to the costs of such examinations and proceedings.
- 27 Provision imposing requirements with respect to—
- (a) the preparation and keeping by the trustee of a bankrupt's estate, or the supervisor of a voluntary arrangement approved under Part VIII, of prescribed books, accounts and other records;
 - (b) the production of those books, accounts and records for inspection by prescribed persons; and
 - (c) the auditing of accounts kept by the trustee of a bankrupt's estate or the supervisor of such a voluntary arrangement.
- 28 Provision requiring the person who is the supervisor of a voluntary arrangement approved under Part VIII, when it appears to him that the voluntary arrangement has been fully implemented and that nothing remains to be done by him under it—
- (a) to give notice of that fact to persons bound by the voluntary arrangement, and
 - (b) to report to those persons on the carrying out of the functions conferred on the supervisor of it.
- 29 Provision as to the manner in which the trustee of a bankrupt's estate is to act in relation to the books, papers and other records of the bankrupt, including provision authorising their disposal.

Bankruptcy restrictions orders and undertakings

- [^{F19}29A Provision about bankruptcy restrictions orders, interim orders and undertakings, including—
- (a) provision about evidence;
 - (b) provision enabling the amalgamation of the register mentioned in paragraph 12 of Schedule 4A with another register;
 - (c) provision enabling inspection of that register by the public.]

Textual Amendments

F19 Sch. 9 para. 29A inserted (1.4.2004) by [2002 c. 40, ss. 269, 279](#), [Sch. 23 para. 16\(3\)](#) (with [s. 249\(6\)](#)); [S.I. 2003/2093, art. 2\(2\)](#), [Sch. 2](#) (subject to [arts. 3-8](#) (as amended by [S.I. 2003/2332, art. 2](#)))

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General

- 30 Provision conferring power on the Secretary of State to make regulations with respect to so much of any matter that may be provided for in the rules as relates to the carrying out of the functions of an interim receiver appointed under section 286, of the official receiver while acting as a receiver or manager under section 287 or of a trustee of a bankrupt's estate.
- 31 Provision conferring a discretion on the court.
- 32 Provision making non-compliance with any of the rule a criminal offence.
- 33 Provision making different provision for different cases including different provision for different areas.

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